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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,757	03/22/2007	Takayuki Tokushita	371312003200	3032
25227 7590 08/08/2008 MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 400 MCLEAN, VA 22102				
EXAMINER				
SAWHNEY, HARGOBIND S				
ART UNIT		PAPER NUMBER		
2885				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/579,757

Applicant(s)

TOKUSHITA, TAKAYUKI

Examiner

HARGOBIND S. SAWHNEY

Art Unit

2885

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date 6/18/08: 2/5/08
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The amendment filed on April 7, 2008 has been entered. Accordingly:
 - Claim 1 has been amended; and new claims 3 and 4 have been added.

Specification

2. The disclosure is objected to because of the following informalities:
The specification needs thorough editing as it has a number of deficiencies including the following:

- the concave part has been identified with numeral 3 (Page 4, line 9), numeral 13 (Page 5, line 18);
- The opening part being identified with numeral 13, which is also used for the concave part discussed above.
- Page 5, lines 17-20, "theses LEDs 19 are placed within the concave part 13 near the portion where the cover part 8 is attached" is not consistent with the figures 2 and 3.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 2885

4. Claims 3 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claim 3, lines 2 and 3, "area inclined forward and upward To emit light in front and forward direction" does not have any structural relationship with other structural elements of the device. The limitation needs to be rephrased.

Claim 4 is rejected because of its dependency on the rejected base claim 3.

Claim 3 has been examined considering the above indicated limitation as – the light source mounting area inclined forward and upward To emit light in front and forward direction--.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Pub. No. US 20040020509 A1 (Waisman) in view of French Patent No. FR 2830315 A1 (MONCOURTOIS et al.).

Regarding claim 1, Waisman discloses a portable case 5 (Figures 1 and 2) combining:

- a cover body 10 for opening and closing the case 5 and including a storage part (Figures 1 and 2, Para. 0026);
- A plurality of light emitting elements 40 placed in the case body 5- including parts 10 and 20 (Figures 1 and 2, Para. 0026); a battery powering the light source 40 (Figures 1 and 2, Para. 0027).

However, Waisman does not specifically teach: the plurality of light emitting elements being of different type – broadly interpreted as a plurality of light elements emitting different colored light; and the device include a plurality of switches instead of only one switch.

On the other hand, MONCOURTOIS et al. discloses an illuminated make-up mirror 1 including a plurality of lighting elements 10 arranged in different groups including different color light emitting diodes LEDs; and the color is controlled with activation of different combination of LEDs with multiple switches on the remote controller 31 (MONCOURTOIS et al., Figure 1-4, English translated abstract).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the portable case of Waisman by providing the light emitting elements of different type and selectively controlled as taught by switches as taught by MONCOURTOIS et al. for benefit of enhancing the utility of the portable case with the illumination desired by the user.

Regarding claim 2, Waisman in view of MONCOURTOIS et al. discloses the portable case further including:

- the remote controller means 31 controlling the brightness - broadly interpreted as selective actuation of one or more than one group of LEDs with remote controller- (MONCOURTOIS et al., Figure 1-4, English translated abstract).

Allowable Subject Matter

7. Claims 3 and 4 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Amendment

8. Applicant's arguments filed on April 7, 2008 with respect to the 35 U.S.C. 102(b) rejections of claims 1 and 2 have been fully considered but are moot in view of the new ground(s) of rejections necessitated by the amendment.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hargobind S. Sawhney whose telephone number is 571 272 2380. The examiner can normally be reached on 8:00 AM - 4:30 PM.

Art Unit: 2885

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jong-Suk (James) Lee can be reached on 571 272 7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

7/22/2008

/Hargobind S. Sawhney/
Primary Examiner, Art Unit 2885